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JAN 15 2009

In re Application of	:	.
Allen DorEl	:	DECISION REFUSING STATUS
Application No. 10/752,737	:	UNDER 37 CFR 1.47(a)
Filed: January 6, 2004	:	
Attorney Docket No. 023243.0003US1	:	

This is in response to the petition under 37 CFR 1.47(a), filed November 10, 2008, which is being treated under 37 CFR 1.181(a)(3) to accept an assignment that is not signed.

The petition is **dismissed**.

37 CFR 1.47 relates to the filing of an application when an inventor refuses to sign or cannot be reached. However, the above referenced application was filed with a properly signed declaration, and the filing status of the application is not disturbed by an unsigned assignment document. Accordingly, 37 CFR 1.47 does not apply in this instance and this application will not be prosecuted with 37 CFR 1.47 status.

As discussed in MPEP 301.01 V, the recording of an assignment by the USPTO is merely a ministerial act. Such recording is not an Office determination of the validity of the assignment document or the effect of the assignment document on the ownership of the patent property. See 37 CFR 3.54 and MPEP 317.03. Assignment documents submitted for recordation will be processed in accordance with the regulations governing the recordation of assignments in the USPTO and such processing will not determine the ownership of any patent property associated with the above referenced application.

In regard to the prosecution of the above referenced application, although an assignee is not required to act in the application, a proper showing of the chain of title must be established in accordance with 37 CFR 3.73 for an assignee to establish the right to take action in the application. See MPEP 324. The Declaration of Hani Z. Sayed suggests that a Professional Services Agreement (Agreement) executed by Mr. Allen DorEl exists in which Mr. DorEl agrees to assign his interests in the above referenced application to Digital Interactive Systems Corporation, Inc. This Agreement was not presented with the instant petition but may provide the evidence necessary to establish the chain of title. The use of form PTO/SB/96 may be helpful

in making the proper statement required by 37 CFR 3.73 in the event that Digital Interactive Systems Corporation, Inc. desires to take action in the above referenced application.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Telephone inquiries regarding this decision should be directed to Christopher Bottorff at (571) 272-6692. Inquiries regarding the recordation of assignments should be directed to the assignment branch at 800-972-6382 or 571-272-3150.


David Bucci
Petitions Examiner
Office of Petitions